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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,615	05/11/2001	Hidenori Takata	35.C15354	5344
5514	7590	04/11/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PHAM, KHANH B	
		ART UNIT		PAPER NUMBER
				2167

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/852,615	5/11/2001		35.C15354
EXAMINER		K. PHAM	
ART UNIT	PAPER	2167	04052005

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Commissioner for Patents

This action is in response to Applicant's amendment filed on January 24, 2005.

Election/Restrictions

1. Newly submitted claims 25-31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original claims 20-24 were directed toward a method and apparatus for issuing battery information for the client based on a comparison of a pair of keys.

The new claims 25-31 are directed toward a method and apparatus for transmitting a usage management program from a server to a client terminal based on personal information received from the user of the client terminal, the management program are executed at the client terminal to track software usage at the client terminal. None of these new features were required for the originally examined invention, and because the new claims are directed toward a different invention than the originally examined claims, the restriction is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-31 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on January 24, 2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention for the reasons stated above. The amendment has thus not been entered.

Non-Responsive Amendment

2. The reply filed on January 24, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to address the rejections made regarding the originally examined claims. See 37 CFR 1.111. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 4, 2005
Khanh B. Pham